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Please amend the claims as follows:

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1. (Twice Amended) A surgical fastener comprising:
a base having at least one substantially planar surface,
a flange bendably joined to a first edge of the base and having at least one substantially planar surface adapted to cooperate with the planar surface of the base,
a pin bendably joined to the base at a second edge of said base opposing the first edge, and
a needle substantially longer than the pin for skewering tissues, or tissue and graft, the needle being removably joined to the pin to receive the tissues, or tissue and graft, from the needle, the pin and flange capable of bending over the base to fix the tissues, or tissue and graft, together.

5. (Amended) An instrument for applying a surgical staple comprising:
an elongated shaft having a distal end portion,
a staple holder at the distal end portion adapted to engage a staple and a needle removably joined to the staple, wherein the needle is substantially longer than any member of the staple, and the staple includes [having] a base including at least one substantially planar surface, a flange bendably joined to a first edge of the base and having at least one substantially planar surface adapted to cooperate with the planar surface of the base, and a pin bendably joined to an edge of the base opposing said first edge,
a staple forming member at the distal end portion adapted to bend the pin over a substantial portion of the base and to bend the flange over a substantial portion of the pin, so that the staple is substantially closed, and
a handle having a control for actuating the staple forming member.

12. (Amended) An instrument for applying a surgical staple comprising:
an elongated shaft having a distal end portion,
staple holder means at the distal end portion for holding a staple and a needle removably attached to the staple for piercing tissues, or tissue and graft, wherein the needle is

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substantially longer than any member of the staple, and the staple comprises [comprising] base means having at least one substantially planar surface for securing tissues or grafts, flange means bendably joined to one edge of the base means and having at least one substantially planar surface for cooperating with the planar surface of the base means to secure tissues or grafts, and pin means bendably joined to the base means at an opposing edge for holding tissues or grafts, wherein the base means and the flange means each have cooperating surfaces to contact and secure on the pin means portions of tissues to be joined together or portions of a graft to an artery,

staple forming means associated with the staple holder means for bending the pin means over a portion of the base means, and for folding the flange means over a substantial portion of the pin means so that the staple is substantially closed, and

a handle having control means for actuating the staple forming means.

22 / 26. (Twice Amended) A surgical staple system for fastening together tissues, or tissue and graft, comprising:

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a first member with a needle removably joined to the first member [at least a portion], said needle being substantially longer than the first member and adapted to pass through the tissues, or tissue and graft;

a second member adjacent to said first member; and

a third member adjacent to said second member, said second and third members capable of moving from a first orientation, where portions of said members are spaced apart sufficiently to receive the tissues, or tissue and graft therebetween, to a second orientation where said members lie in contact with the tissues, or tissue and graft.

24 / 29. (Amended) A surgical staple system for fastening tissues, or tissue and graft, together, comprising:

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a base having a substantially planar surface and adapted to be releasably gripped by a staple applying instrument;

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a flange having a substantially planar surface attached to a first edge of said base, said flange capable of moving from a first position, where said substantially planar surfaces of said flange and base are spaced apart sufficiently to receive the tissues, or tissue and graft, therebetween, to a second position, where said substantially planar surfaces of said base and flange lie in contact with the tissues, or tissue and graft; and

a pin attached to a second edge of said base different from said first edge, said pin adapted to releasably join with a needle substantially longer than said pin, said pin capable of moving from a first position, where said pin and said substantially planar surface of said base are spaced apart sufficiently to receive the tissues, or tissue and graft, therebetween, to a second position, where said pin and said substantially planar surface of said base lie in contact with the tissues, or tissue and graft.

27 36. (Trice Amended) A surgical fastener system, comprising:

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a staple including at least first and second joined sections, said first and second sections capable of moving from a first orientation, where said first and second sections are spaced apart sufficiently to receive the tissues, or tissue and graft, therebetween, to a second orientation, where said first and second sections lie in contact with the tissues, or tissue and graft;

a single needle affixed adjacent to an end of one section of said at least first and second joined sections; and

an instrument capable of manipulating said needle in a minimally invasive procedure such that said needle skewers a first tissue or graft, aligns said first tissue or graft to a desired position with respect to a second tissue or graft, and skewers said second tissue or graft, and said instrument capable of folding said at least first and second joined sections with respect to each other to secure said first tissue or graft to said second tissue or graft between said at least first and second joined sections of the staple.

28 44. (Amended) A surgical staple system [as recited in claim 43, further comprising]
for fastening tissues, or tissue and graft, together, comprising:

a staple including a first section joined to a second section;

E7 a single needle affixed to said staple for skewering the tissues, or tissue and graft, and for
locating the tissues, or tissue and graft, in a desired position with respect to the staple, said
needle being substantially longer than either said first section or said second section of said
staple ; and

an instrument having a proximal and distal end, including:

means in said distal end for holding said staple,

means in said distal end for articulating said staple,

means in said distal end for bending said first section with respect to said second
section in a minimally invasive procedure,

controls located remotely from said distal end for actuating said
staple holding means, said staple articulating means, and said bending means, and

connecting means for connecting said controls in the proximal end
with the staple holding means, said staple articulating means, and said bending means in said
distal end.

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In claim 48, line 4, after "needle", please insert --substantially longer than the pin--

E8 74. (Amended) A surgical fastener made for [by] skewering tissue or tissues and
graft by a piercing element attached to a first section, and bending said first section and a second
section into opposing orientation, said second section having at least one substantial planar
surface.
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